

**PINNOCK & WAKEFIELD, A.P.C.**

David C. Wakefield, Esq. Bar #: 185736

Theodore A. Pinnock, Esq. Bar #: 153434

3033 Fifth Avenue, Suite 410

San Diego, CA 92103

Telephone: (619) 858-3671

Facsimile: (619) 858-3646

Attorneys for Plaintiff

Michael S. Burke, Esq.

VOGL & MEREDITH

456 Montgomery Street, 20<sup>th</sup> Floor

San Francisco, California 94104

Telephone: 415.398.0200

Facsimile: 415.398.2820

Attorneys for Defendants

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**ROBERT MCCARTHY**

**Plaintiff,**

**v.**

**HARDAGE HOTELS III, LLC, d.b.a.  
WOODFIN SUITE HOTEL -  
EMERYVILLE; WOODFIN SUITE  
HOTELS, LLC; HARDAGE HOTELS III,  
LLC; And DOES 1 THROUGH 10, Inclusive,**

**Defendants.**

**Case No.: C 06-0949 MEJ**

**STIPULATED DISMISSAL AND  
DISMISSAL WITH PREJUDICE OF  
ALL DEFENDANTS FROM  
PLAINTIFF'S COMPLAINT AND  
PLAINTIFFS' COMPLAINT IN ITS  
ENTIRETY AND ORDER THEREON.**

**ORDER CLOSING FILE**

[Fed.R.Civ.P. Rule 41(a)(2)]

**IT IS HEREBY STIPULATED** by and between **ROBERT MCCARTHY**, Plaintiff, on the one hand, and Defendants **HARDAGE HOTELS III, LLC, d.b.a. WOODFIN SUITE HOTEL - EMERYVILLE; WOODFIN SUITE HOTELS, LLC; and HARDAGE HOTELS III, LLC**, on the other hand, through their respective attorneys of record that, pursuant to Federal

1 Rules of Civil Procedure, Rule 41 (a)(1) and (2), this Court enter a dismissal with prejudice of  
2 Defendants **HARDAGE HOTELS III, LLC, d.b.a. WOODFIN SUITE HOTEL -**  
3 **EMERYVILLE; WOODFIN SUITE HOTELS, LLC; and HARDAGE HOTELS III, LLC,**  
4 from Plaintiff's Complaint, Case Number C06-0949 MEJ. Additionally, Plaintiffs request that  
5 the Complaint be dismissed with prejudice in its entirety.

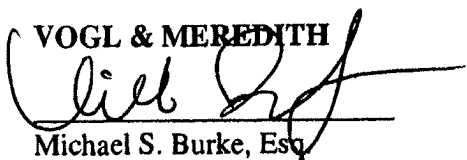
6  
7 **IT IS SO STIPULATED.**

8  
9 Dated: \_\_\_\_\_, 2006

**PINNOCK & WAKEFIELD, A.P.C.**

10 By: \_\_\_\_\_  
11 **DAVID C. WAKEFIELD, ESQ.**  
12 Attorneys for Plaintiff

13 Dated: 6/30, 2006

14 By:   
15 **VOGL & MEREDITH**  
16 **Michael S. Burke, Esq.**  
17 Attorney for Defendants

18 **ORDER ON NOTICE OF DISMISSAL WITH PREJUDICE OF ALL**  
19 **DEFENDANTS AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY**

20 **IT IS HEREBY ORDERED** that Defendants **HARDAGE HOTELS III, LLC, d.b.a.**  
21 **WOODFIN SUITE HOTEL - EMERYVILLE; WOODFIN SUITE HOTELS, LLC; and**  
22 **HARDAGE HOTELS III, LLC,** are dismissed with prejudice from Plaintiff's Complaint, Case  
23 Number C06-0949 MEJ. Additionally, Plaintiff's Complaint be dismissed with prejudice in its  
24 entirety.

25 **IT IS SO ORDERED.**

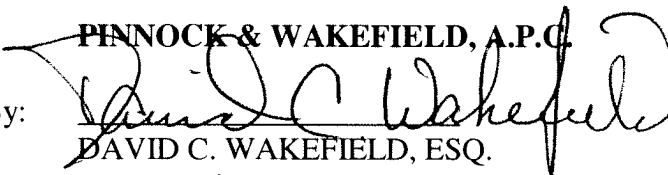
26 Dated: \_\_\_\_\_

27 **HONORABLE MARIA-ELENA JAMES**  
28 **UNITED STATES DISTRICT COURT JUDGE**

Rules of Civil Procedure, Rule 41 (a)(1) and (2), this Court enter a dismissal with prejudice of Defendants **HARDAGE HOTELS III, LLC, d.b.a. WOODFIN SUITE HOTEL - EMERYVILLE; WOODFIN SUITE HOTELS, LLC; and HARDAGE HOTELS III, LLC**, from Plaintiff's Complaint, Case Number C06-0949 MEJ. Additionally, Plaintiffs request that the Complaint be dismissed with prejudice in its entirety.

**IT IS SO STIPULATED.**

Dated: July 18, 2006

By:   
PINNOCK & WAKEFIELD, A.P.C.  
DAVID C. WAKEFIELD, ESQ.  
Attorneys for Plaintiff

Dated: \_\_\_\_\_, 2006

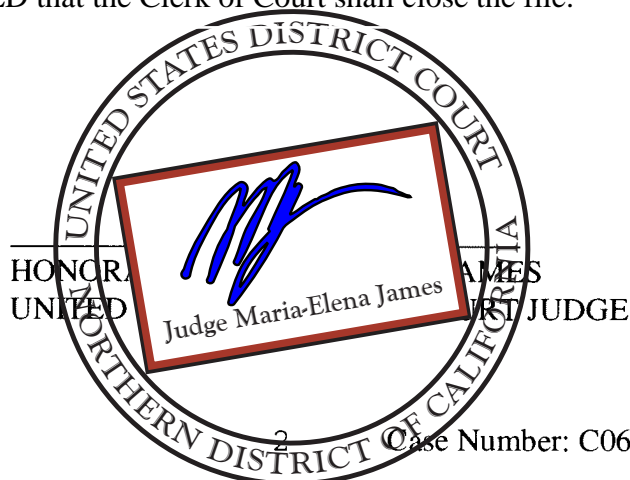
By: \_\_\_\_\_  
VOGL & MEREDITH  
Michael S. Burke, Esq.  
Attorney for Defendants

**ORDER ON NOTICE OF DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY**

**IT IS HEREBY ORDERED** that Defendants **HARDAGE HOTELS III, LLC, d.b.a. WOODFIN SUITE HOTEL - EMERYVILLE; WOODFIN SUITE HOTELS, LLC; and HARDAGE HOTELS III, LLC**, are dismissed with prejudice from Plaintiff's Complaint, Case Number C06-0949 MEJ. Additionally, Plaintiff's Complaint be dismissed with prejudice in its entirety. It is **FURTHER ORDERED** that the Clerk of Court shall close the file.

**IT IS SO ORDERED.**

Dated: July 19, 2006



**PINNOCK & WAKEFIELD, A.P.C.**

David C. Wakefield, Esq. Bar #: 185736

Theodore A. Pinnock, Esq. Bar #: 153434

3033 Fifth Avenue, Suite 410

San Diego, CA 92103

Telephone: (619) 858-3671

Facsimile: (619) 858-3646

Attorneys for Plaintiff

Michael S. Burke, Esq.

VOGL & MEREDITH

456 Montgomery Street, 20<sup>th</sup> Floor

San Francisco, California 94104

Telephone: 415.398.0200

Facsimile: 415.398.2820

Attorneys for Defendants

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

**ROBERT MCCARTHY**

**Plaintiff,**

**v.**

**HARDAGE HOTELS III, LLC, d.b.a.**

**WOODFIN SUITE HOTEL -**

**EMERYVILLE; WOODFIN SUITE**

**HOTELS, LLC; HARDAGE HOTELS III,**

**LLC; And DOES 1 THROUGH 10, Inclusive,**

**Defendants.**

**Case No.: C06-0949 MEJ**

**PROOF OF SERVICE VIA UNITED  
STATES MAIL**

[Fed.R.Civ.P. 6(e)]

**STATE OF CALIFORNIA, COUNTY OF SAN DIEGO**

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is 3033 Fifth Avenue, Suite 410, San Diego, California, 92103.

1 On this date, I served the following document(s) described as: STIPULATED  
2 DISMISSAL AND DISMISSAL WITH PREJUDICE OF ALL DEFENDANTS FROM  
3 PLAINTIFF'S COMPLAINT AND PLAINTIFFS' COMPLAINT IN ITS ENTIRETY AND  
4 ORDER THEREON on the following Defendants by:

5 \_\_\_\_\_ placing \_\_\_\_\_ the original ☒ a true copy  
6 thereof enclosed in sealed enveloped addressed as stated below.

7 Michael S. Burke, Esq.  
8 Vogl & Meredith  
9 456 Montgomery Street, 20<sup>th</sup> Floor  
10 San Francisco, CA 94104

**ATTORNEYS FOR ALL DEFENDANTS**

11 ☒ **BY MAIL:** I am readily familiar with the firm's practice of collection and  
12 processing correspondence for mailing. Under that practice, it would be deposited with the U.S.  
13 Postal Service on the same day with postage thereon fully prepaid, mailed at San Diego,  
14 California, in the ordinary course of business. I am aware that on motion of the party served,  
15 service is presumed invalid if postal cancellation date or postage meter date is more than one day  
16 after date of deposit for mailing in affidavit.

17  
18 \_\_\_\_\_ **BY UNITED STATES EXPRESS MAIL:** I am readily familiar with the firm's  
19 practice of collection and processing correspondence for mailing with the United Postal Service,  
20 Express Mail Division. Under that practice, it would be deposited with the U.S. Postal Service,  
21 Express Mail Division on the same day with postage thereon fully prepaid, mailed at San Diego,  
22 California, in the ordinary course of business. I am aware that on motion of the party served,  
23 service is presumed invalid if postal cancellation date or postage meter date is more than one day  
24 after date of deposit for mailing in affidavit. The United States Postal Service Express Mail  
25 Tracking Number is printed immediately under the party or representative served.

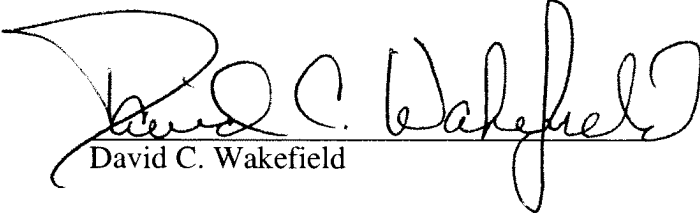
26  
27 \_\_\_\_\_ **BY PERSONAL SERVICE:** I caused such envelope to be delivered by hand to  
28 the offices of the addressee.

1  
2 \_\_\_\_\_ **BY FACSIMILE TRANSMISSION:** From FAX No. (619) 858-3646 to the  
3 facsimile numbers listed above on the mailing list. The facsimile machine I used complied with  
4 Rule 6 (e), and no error was reported by the machine.

5  
6 \_\_\_\_\_ **STATE:** I declare under penalty of perjury, under the laws of the State of  
7 California, that the foregoing is true and correct.

8 ☒ **FEDERAL:** I declare that I am employed in the office of a member of the Bar of  
9 this Court, at whose direction this service was made.

10  
11 **EXECUTED** on July 18, 2006, at San Diego, California.

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15 David C. Wakefield  
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